1:Stanford U. S-4, 5 1956 AF15 East China
AF15

596
861

with failure among the nation's youth.[8]

IV. THE FAMILY UNDER COMMUNISM

582
671

A. The Marriage Law

In reconstructing Chinese society, the Communist regime has undertaken to change the nature and function of the family. The first step in this direction was the new Marriage Law promulgated in May 1950. It is one of the three legal pillars of the state. The other two -- the Labor Union Law and the Land Reform Law -- were announced at a later date but put into effect within a much shorter time and with greater immediate success.[9]

Essentially, the outward provisions of Marriage Law are comparable to the laws affecting marriage and the family in the civil and penal code announced by the National Government in 1930 and 1931.[10] The basic features of the new law are summed up in its first three articles, which provide for:

---

8. Mary C. Wright, "From Revolution to Restoration: The Transformation of Kuomintang Ideology, "Far Eastern Quarterly, August 1955, pp. 515-32.

9. See comment by the American editors of Current Background, Hong Kong, American Consulate, 236, pp. 1-3; hereafter cited as C.B.: Unless editorial comment is indicated, as here, citations from Current Background refer to literal translations of material in Communist

(continued next page)

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

582
671

(1)...The abolition of arbitrary and compulsory marriage and the putting into effect of freedom of marriage for men and women.
(2)...The abolition of the feudal system of marriage...based on the superiority of man over woman, and the putting into effect..of monogamy, and equal rights for both sexes.
(3)...The abolition of the feudal system of marriage, which neglects the interests of the children, and the putting into effect of the New Democratic system of marriage, which protects the lawful interests of women and children.[11]

684
668

In propagandizing and implementing the Marriage Law, the regime struck against the old authoritarianism of the family head, child marriages, mistreatment of women and discrimination against them as inferior to men, and the mistreatment of children by parents. Wives, especially wives of arranged marriages, were encouraged to seek divorce from intolerant, unrepentant husbands. However, if husbands could be made to adopt the new attitude toward women, partners of arranged marriages were urged to remain united.

---

9. (continued) magazines and newspapers, and should be evaluated accordingly.

10. See comment of American editors of C.B., 136, p. 3.

11. "Document 7," C.B., 236, pp. 22-29.

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

significance.[15]

B. Implementation of the Marriage Law

582
671

As the Nationalist Government had made no attempt to put into effect the marriage and family provisions of its 1930-31 codes among the rural population, the spirit and provisions of the Marriage Law were new and alien to this great majority of the Chinese people. They were still bound to the traditional family and had not encountered the economic experience and education which had pushed the family in Western-influenced cities toward new types of social organization from the beginning of the twentieth century. Moreover, the new law offered no immediate or apparent economic benefits as had the Land Reform Law.

The result was apathy, when not open resistance, toward the reorientation of marriage and family practices among the farming population. These attitudes were as typical of most of the village cadres as of the rural people generally.[16] However, Liu Ching-fan's criticism in 1953 of the use of force by village cadres to achieve acceptance of the new Marriage Law's provisions indicates that up to that time violence

15. See, for instance, C.B., 275, p. 4; and S.C.M.P., 1048, pp. 30-31.

16. See comment of American editors of C.B., 136, pp. 3-4.

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

58
671

accompanied this measure as it had other measures in Communist China.[17]

The regime became aware only slowly of the failure of the Marriage Law to take automatic effect. A preliminary investigation gave such cause for concern that a thorough investigation was made at the end of 1952.[18] The results impelled the Communists to launch a drive for the thorough implementation of the Marriage Law and intensive indoctrination of the people in its principles. The movement was restricted to Han Chinese areas where land reform had been completed.[19]

Summing up the result of the campaign before the Government Administrative Council on November 11, 1953, Liu Ching-fan reported satisfactory indoctrination of 80 to 90 per cent of the adults in 15 per cent of the nation's hsien and municipalities where land reform had been completed and, to a somewhat lesser degree, 60 to 70 per cent of the people in 60 per cent of similar local areas. Almost no progress was indicated in the remaining 25 per cent of the localities.[20] Assuming the population in these areas to be roughly equal, these figures would mean that on an over-all basis even partial success

17. C.B., 273, p. 4.
18. See comment of American editors of C.B., 136, pp. 3-4.
19. C.B., 273, p. 1.
20. Ibid., p. 3.

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

582
671 was claimed for only 48 to 55.5 per cent of the population subjected to the indoctrination process.

C. The Communists' Vague Picture of Success

Unfortunately, we cannot precisely judge how successful the regime has been in implementing the Marriage Law nationally or regionally. Communist evaluations are too generalized to reveal a definite picture, and statistics released by the regime are sketchy and, when available, rarely provide a basis for significant comparison. For instance, in the spring of 1955 the Ministry of Internal Affairs reported on the prevalence of free marriages during the first quarter of 1954, stating that of the 402,205 applications for marriage registration in 562 hsien and municipalities of 15 provinces, only 1.07 per cent were denied because the contemplated marriages had been forced or arranged without the willing consent of the couples concerned.[21] No figures were given on the remaining, roughly three-quarters of the country's hsien and municipalities, nor was any indication given to show whether the figures cited were typical of the whole country, the only figures available, or figures selected for propaganda or other

21. S.C.M.P., 1002, p. 3.

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

582 purposes. If the figures can be given credence, 671 they indicate a remarkable advance over the situation existing two years earlier. After an investigation of Marriage Law implementation in 1952, a woman minister of justice, Shih Liang, reported that in only three of the country's 2,086 counties were families reformed up to perfect Communist standards, and that in the East and Central-South regions freely contracted marriages and other reforms had gained no acceptance with the people.[22]

582 A further study of figures issued by 691 Communist sources indicates that the regime did 762 not have exact knowledge of the situation in 674 many areas. To cite one example, an announcement of the results of the 1952 investigation of Marriage Law implementation include "incomplete statistics" on deaths attributed to the existence of problems and mistreatment connected with the "feudal family" system. According to these figures, 4,105 women were killed or driven to suicide in the East China Region between January and August 1952; and 356 women and 161 young men suffered the same fate in the Northwest Region during the first half of 1952. In lieu of figures for the Central-South Region, the report mentioned 606 young men and

22. China News Analysis, Hong Kong, No. 5, p. 3.

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

762
674
671
582

women met violent deaths as a result of marriage disputes in 39 hsien (out of a total of 86) in Hunan.[23]

674 It seems reasonable to assume that the figures are incomplete and the categories not comparable because the Communists had no more accurate material to offer. If the incidence of violence in connection with marital and family disputes is truly reflected in these figures, their extension into yearly rates shows these deaths occurred at the rate of less than two per hundred-thousand population in the Northwest Region, less than four per hundred-thousand in the East China Region, and less than nine per hundred-thousand in Hunan. It should be remembered, however, that these ratios are based on incomplete figures and that the incidence of violence may have resulted as much from Communist pressures as from the authoritarian character of the traditional family.

586 Divorce and marriage figures released by the Communists are equally difficult to render meaningful because of gaps in statistics and the different time spans and categories which are given for the figures cited. For the nation as a whole, the number of divorces was reported to have risen from 186,000 in 1950 (the last seven months of it under the new

23. C.B., 236, p. 5.

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

Reports on the results of the 1952 investigations of Marriage Law implementation were framed in equally incomparable area and time categories. One report covering northern Kiangsu during the first half of 1952 noted that the number of arranged engagements during the period totaled 39,911 or nearly three times the number of engagements "founded on free love," while 19,894 arranged marriages had taken place, exceeding the number of free marriages by 28 per cent.[28] Another report at about the same time gave a more complete picture for the whole province of Kiangsi from May 1950 to January 1952. In the province during that time, it was reported 121,000 free marriages had been arranged with the assistance of the All-China Federation of Democratic Women, more than 72,900 divorces had been instituted after the failure of reconciliation attempts, the marriages of 16,454 child brides had been annuled, 40,902 engagements arranged by parents had been terminated, and 33,634 couples had been aided in establishing harmonious homes by the intercession of the People's Government.[29]

D. Reorientation of Family Reform

582
586
596
185

Between the time of the publication of these

28. C.B., 236, p. 14.
29. Ibid., p. 4.

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

divorce figures in March 1952 and the end of the year, the Communist approach to marriage and family reform seems to have undergone a change. There are indications that the regime's emphasis on new freedom for women and the prominent publicity given statistics on divorce had led to the Marriage Law being popularly termed the "Divorce Law."[30] At the same time, resistance in the rural areas to sudden changes in the old institutions of marriage and family relations were becoming evident to Party leaders as the result of the late 1952 investigations were tabulated.

A shift in the pace and in the propaganda emphasis on marriage and family reform was evident in Liu Ching-fan's report to the Government Administrative Council at the end of 1953. Although the better treatment and greater freedom given to woman was not to be neglected, greater emphasis was placed on the establishment of "harmonious" and "democratic" relationships within the family, whether originally of the old or new type, and to the positive benefits that would accrue to all members of the family as a consequence of reform.[31]

Analyzing the then current situation, Liu noted that the people still maintained a feudal ideology and consciousness in regard to many

30. China News Analysis, 5, p. 2.
31. C.B., 273, pp. 5-6.

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

accomodation to modern methods of factory production and city living paralleled the objectives sought in the Marriage Law or, at least, prepared the people for a change in the old institution. On the other hand, areas could be found throughout the East China Region where family life had been as little influenced by industrialization and modernization as could be found elsewhere in China. Fukien, for instance, was one of the last strongholds of the clan organization, which had ceased to exist as a functional entity elsewhere in the region. Fukien was also unique in another respect: the coastal areas of the province contained overseas communities wherein the family showed some significant departures from the typical Chinese family.

Communist press announcements of marriage conditions revealed by the investigations of late 1952 singled out isolated areas in the East China Region as typical of unaltered adherence to backward practices of the traditional family system throughout the country. Such examples were cited as P'ing-ho hsien, Fukien, where seventy per cent of all the women had been child brides; [38] a hsiang of T'ai-hsing hsien, Kiangsu, where the majority of children under ten years old had been betrothed by their parents; [39]

38. C.B., 236, p. 5.
39. Ibid., p. 14.

1:Stanford U. S-4, 5 1956 AF15 East China
AF15

582 and communities in Fukien where adult wives nursed infant husbands or served as rented or mortgaged chattels outside their homes.[40] Conditions in some parts of southern Anhwei were summed up in one press report by quoting the following ditty as still current in the area:

> A twenty-year old wife, a year-old husband
> She takes him to bed with his dirt and all,
> But for fear of the parents' reprimand,
> She would have kicked him way down the floor.[41]

584 582 Contrasting with this aspect of the family in the East China Region is the opposite extreme in Shanghai, where the family appears in its most modern form. The Communist regime has had little to say about family and marriage problems in Shanghai, its main concern having been with improving the situation in the rural, more tradition-bound places. In fact, the initial complacency of the Communist regime concerning the operation of the new Marriage Law was based on reports from such modern industrial centers as Shanghai and their suburbs, disclosing an increase in the number of divorces, particularly those initiated by women. This was a reflection of the general pattern of change in circumstances, knowledge, and values impressed on the individual and the family by city life.[42]

---

40. Ibid., p. 6.
41. Ibid., p. 15.
42. See comments of American editors of Ibid., 136, p. 3.

1 Stanford U. S-4, 5 1956 AF15 East China
AF15

The change was evident in Olga Lang's 1937 findings on the comparative form and function of the family in the cities of Shanghai, Peiping (Peking), and Tientsin, and in rural areas removed from the urban influence. In every facet of the nature and values of the family among all classes in these places, Shanghai showed the greatest departure from the traditional family system and ideology.[43] But even where modernization was most advanced, Lang found that of ninety-five industrial workers' families interviewed, only 25 per cent of the marriages had been formed by free choice of the partners, and fifty-six of the ninety-six men and women workers questioned said they would insist on choosing their children's mates.[44] However, it should be noted that the tendency toward modern marriages increased with higher economic class, better education, and occupation in modern industry or professions.

B. The Clan

By the twentieth century, the vitality of the clan had deteriorated throughout most of the East China Region. Some vestiges of it still remained in Chekiang, Anhwei, Kiangsu, and

43. Lang, op. cit., pp. 120-327.